



Paper No. 6

Commanding Officer
Office of Patent Counsel Code D0012
Spawarsyscen San Diego
53510 Silvergate Avenue, Room 103
San Diego, CA 92152-5765

COPY MAILED

MAR 04 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of
Pamela A. Boss, et. al.
Application No. 09/888,737
Filed: June 25, 2001
Attorney Docket No. 82433

This is a decision on the petition under 37 CFR 1.137(b), filed February 20, 2004, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed August 1, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight October 1, 2001. A notice of abandonment was mailed February 2, 2004.

In response to the Notice to File Corrected Application Papers, petitioner submitted with the instant petition \$1,330 for the petition to revive fee, and two (2) sheets of drawings containing Figures 1-3.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

Since the requirements for a grantable petition have been met, the petition is **GRANTED**.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (703) 308-6711.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy